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REMARKS

Entry of this amendment and reconsideration of this application, as amended, are respectfully requested.

Claims 21, 23 and 32 were rejected under 35 U.S.C. §102(e) for allegedly being anticipated by Berthaud. The remaining claims were rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Berthaud in view of either Sellers, Lau, Mahler or Milde. Applicants respectfully traverse each of these rejections.

Applicants previously argued that Berthaud does not disclose that voltage sources are connected in view of the power required by consumers. The Examiner traversed this argument, alleging that Berthaud teaches that the control point requests a new power source if the power limits of the power consumption device are greater than the predetermined power limits. It is respectfully submitted that the Examiner has not correctly cited this reference. Col. 3, lines 44-48 of Berthaud read as follows:

"The requested power value is then compared to the predetermined power limits (PVC) and the control point determines that a new power supply is requested if at least one of the requested power values is greater than the predetermined power limits."

The Examiner apparently is of the opinion that the above disclosure corresponds to the phrase

"wherein a control is provided which connects as many modules to respective one of the m consumers so that this consumer receives the power required by said consumer"

of presently pending claim 21, but this, however, is not the case.

Fig. 1 of Berthaud shows three power consumers 16, 18, 20 and three power supplies 10, 12, 14. These power consumers are not individually connected to the power supplies 10, 12, 14. Instead, all three consumers appear to be connected to the same bus 24. The "requested power value" is the power value of all three consumers

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16,18, 20. There is no connection of a plurality of power supplies to one consumer "If at least one of the requested power values" does not mean the requested power value of one consumer, but of all consumers as Berthaud refers to "the overall load of the devices" (col. 2, line 18).

Applicant had also previously argued that Berthaud teaches that the consumers have different priorities. If the system reaches the limits of its powers, the consumers having lower priorities are switched off (page 4). In connection with this, the Examiner is referred to col. 2, lines 22-24 of Berthaud which reads

"in such a case, the control point switches off the devices having the lowest priority, in order to meet each power supply and operating range".

Applicant also previously argued that such a situation cannot appear since the power block will always provide sufficient power for any process. The Examiner alleges that this is not true in view of the present specification which teaches that the sum of the power supplyable by k energy modules is smaller than the power which would be necessary if all n consumers simultaneously required electrical power. As such, the power process would not be able to provide sufficient power for any process. Applicant does not understand how this relates "switching off".

One condition of claim 21 is that $m < n$, i.e., according to the presently claimed invention there are _never_ all n consumers simultaneously provided with power.

As Fig. 1 of Berthaud shows, under normal conditions all consumers supplied with energy. Only if there is an overload of the whole system does Berthaud switch off a consumer so that the condition $m < n$ is satisfied. However, even in such a situation Berthaud does not disclose that one consumer is supplied by a plurality of energy modules.

In fact, Berthaud discloses a contrary system compared to that of the present invention.

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More specifically, whereas Berthaud supplies every consumer with power, the presently claimed invention does not. Whereas Berthaud switches off a consumer when an <u>overload of the whole system</u> occurs, the presently claimed invention does not refer to the whole system, but to the respective individual consumers. There can never be an overall overload according to the present invention because $m < n$, as this condition always provides a buffer between the actually required power and the maximum load possible.

Applicants also previously argued (see below) that Berthaud does not teach that "$m < n$". In the Examiner's opinion, Berthaud does teach that $m < n$ if the power supplies can only provide enough power to the m consumers. In other words, if out of n consumer devices, the control point does not supply two consumer devices, the remaining power devices (m) would equal $n - 2$ which is less than the total n. As already discussed above, this situation will occur with Berthaud only in an exceptional situation.

Even in an extraordinary situation for Berthaud wherein $m < n$ so that there are not "as many energy modules to respective one of the m consumers" connected.

Applicant has also previously argued that Berthaud does not teach the feature whereby the sum of the power supplyable by the k energy modules is smaller than the power which would be necessary, if all n consumers required simultaneously electrical power". Applicant maintains this position.

The sum of the power supplies 10, 12, 14 of Berthaud is <u>not</u> smaller than the power which is necessary, if all n consumers 16, 18, 20 require simultaneously electrical power. Applicant has <u>not</u> pointed out that Berthaud teaches that the power supplies cannot supply all of the power necessary for all the consumers at once. As can be seen from Fig. 1 of Berthaud, the arrangement does supply all consumers 10, 12, 14; this is its normal operation. Only if there is an abnormal occurrence the arrangement of Fig. 1 cannot supply all consumers 16 18, 20 and switches at least one of them off.

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According to the presently claimed invention, no consumer will be switched off because the power supplies cannot supply n of them simultaneously, as there is no need to switch off consumers because the presently claimed system has sufficient reserve.

Applicant has also argued that Berthaud does not teach the feature "a control is provided which connects as many only modules to respective one of the m consumers". Applicant maintains this position as well. Berthaud may use linear inequations in the control point for controlling the power supplied to the power consumption device.

It is true that both inventions comprise a control. However, according to Berthaud there are no connections of energy modules to a respective one of the m consumers. The power supplies of Berthaud are connected to a bus, and this bus is connected to all consumers simultaneously.

Col. 3, lines 28-30 of Berthaud reads as follows:

"The power consuming system also includes a control point for controlling the power supplied to the power consumption devices."

This passage means that the power as a whole is controlled. i.e., the power consumption of all consumption devices and not the power consumption of individual consumers.

Applicant has also demonstrated that Sellers. Lau, Mahler, Katz and Milde do not disclose the present invention. The Examiner traverses Applicant's argument against the secondary references by alleging that one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. However, the Examiner has to demonstrate that the combination of two or more references is a realistic one and will lead to the invention as claimed.

For example, Sellers and Berthaud can not be combined by those skilled in the art because Berthaud teaches using linear inequations for controlling the power supplied to the power

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consumption devices. It is not at all understandable why linear inequations should be used in Seller's device, and there is no hint or suggestion in these references to do so.

Here, it is clear that the Examiner has improperly relied upon hindsight to arrive at the determination of obviousness. It is impermissible to use the claimed invention as an instruction or manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious (In re Fitch, 23 USPQ 2d 1780 (1783, 1784).

In sum, Applicant maintains that Berthaud does not disclose each and every feature of the invention claimed in claim 21, and the secondary references do not remedy these deficiency, so the novelty rejection must be withdrawn, as well as all of the other rejections of claims.

In view of the forgoing, allowance is respectfully requested.

If any fees are due for entry of this amendment, authorization is given to charge deposit account no: 50-0624.

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If any extensions of time are required, please consider this a petition therefore and charge the petition fee to said deposit account.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted by facsimile to (571) 273-8300 to: Commissioner for Patents, P.O. Box, 1450, Alexandria, Va. 22313-14350 on the date show below
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Signature Date

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